

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

Erik B. Cherdak

Plaintiff,

v.

ASCENA RETAIL GROUP, ET AL.

Defendants.

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: Case No. 1:11-cv-0353 (LO/JFA)
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STIPULATION OF DISMISSAL

Plaintiff Erik B. Cherdak, filed a complaint in this action alleging that defendants BCNY International, Inc. (“BCNY”) and Tween Brands, Inc. (Tween”) (substituted by agreement of the parties for Ascena Retail Group) have infringed U.S. Patent No. 5,343,445 (“the ‘445 Patent”). The defendants answered asserting defenses of non-infringement and invalidity and BCNY has filed counterclaims seeking a declaratory judgment of non-infringement and invalidity.

The parties have entered into a confidential settlement agreement resolving this dispute and Plaintiff and Defendants hereby stipulate to the dismissal with prejudice of all claims and counterclaims in the above stated action as to all parties. The parties shall each bear their respective costs and expenses.

ERIK CHERDAK

January 17, 2011

/s/ Daniel S. Ward
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**BCNY INTERNATIONAL, INC. and
TWEEN BRANDS, INC.**

January 17, 2011

/S/ Mitchell Feller

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